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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/904,056	07/31/1997	TODD D. LINDSEY	450.156US1	3259

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EXAMINER	
NELSON, ALECIA DIANE	
ART UNIT	**PAPER NUMBER**
2675	39

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/904,056	LINDSEY, TODD D.	
	Examiner	Art Unit	
	Alecia D. Nelson	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. ***Claim 33*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss (U.S. Patent No. 6,208,384) in view of Hall (U.S. Patent No. 6,188,387).

With reference to **claim 33** Schultheiss teaches a method of controlling a multimedia device (40) comprising receiving a signal from a multimedia device control (62) on a mouse (50) coupled to a computer (12), receiving a signal from a computer cursor positioning device (64) on the mouse (50), sending the signals to the computer (12), and sending the multimedia device control signal from the computer to the multimedia device to provide immediate accessibility to control of the multimedia device via the mouse, wherein the immediate accessibility to the multimedia device through the computer is accessing the menu which controls the functions of the multimedia device (see Figure 4, column 5, lines 57-65).

Schultheiss fails to specifically teach that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim. However, it is well known in the art that such protocol is performed when transferring signals.

Hall teaches data transmission from a mouse to a host computer (see abstract) so as to transmit mouse activity through the cable (5) whenever there is a change in the mouse. A change of state is defined as any motion of the mouse or any change in the position of either of its buttons (see column 3, lines 8-21)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the signals from the computer cursor positioning device to be packetized and transmitted to a host computer similar to that which is taught by Hall, in a system similar to that which is taught by Schultheiss in order to control the functions of the multimedia device at a faster rate.

3. ***Claims 23-25, 32, 34-36, 39, and 41*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss in view of Applicant's admitted prior art.

With reference to **claims 23 and 41**, Schultheiss teaches a mouse device (50) for a computer (10) operatively coupled to a multimedia device (40) comprising: a housing (52), a mouse button (66a, 66b) within the housing to control an operation on the computer (12), a cursor control device (64) coupled to the housing (52), at least one multimedia control device (62) disposed within the housing (52) to control only the multimedia device through the computer (12), a connection that transmits signals

generated by the mouse button, cursor control device, and multimedia control device to the computer (see column 5, lines 23-56); and wherein the at least one control device provides immediate accessibility to the multimedia device through the computer, wherein the immediate accessibility to the multimedia device through the computer is accessing the menu which controls the functions of the multimedia device (see column 5, lines 57-65). With further reference to **claims 34 and 39**, Schultheiss teaches that the computer (12) has a processor (20, 20a) and a memory (32) (see column 4, lines 6068). Further it is taught the usage of a connection that operatively couples the pointing device to the computer through a port of the computer through which all communication between the pointing device and the computer occurs (see column 5, lines 23-43).

While Schultheiss teaches the usage of a computer incorporating a CD-ROM, the CD-ROM is described in relation to the memory device, as opposed to a multimedia device as recited in the claim. However, it is well known in the art for a computer to include a CD-ROM as well as DVD capabilities.

Moreover, admitted prior art teaches that multimedia applications for computer typically come installed with at least one audio and/or video device, wherein it is further stated that CD-ROMs drives are common and allow computer users to play audio and video which reside on CD-ROMs inserted into the drive (see page 1, line9-page 2, line1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the multimedia device to be incorporated within the house of the computer as discussed in the admitted prior art, which can be controlled my a

mouse device similar to that which is taught by Schultheiss in order to thereby provide a mouse device which is capable of controlling a multimedia device integrated within the computer which allows for easier control over the multimedia device to the user.

With reference to **claims 24, 25, 35, and 36**, Schultheiss teaches that the connection comprises a wireless connection between the mouse device (50) and the computer, as well as teaching that the connection comprises a radio frequency transceiver (see column 5, lines 30-43).

With reference to **claim 32**, Schultheiss teaches the usage of trackball (64) as the cursor control device, and further states that it is well known in the art that other user inputs may be used other then trackball (64) (see column 5, lines 28-30) which includes a mouse, touch pad, or joystick. With reference to claim 40, Schultheiss teaches that the multimedia device is one of a tuner (see column 6, lines 65-68) or a television (40).

Claims 26, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss in view of admitted prior art as applied to **claims 23, 34, and 41** above, and further in view of Hall.

With reference to **claims 26 and 42,** Schultheiss teaches all that is required as explained above and further teaches with reference to **claims 23 and 41**, the usage of radio frequencies (see column 5, lines 30-43).

Schultheiss fails to specifically teach that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim. However, it is well known in the art that such protocol is performed when transferring signals.

Hall teaches data transmission from a mouse to a host computer (see abstract) so as to transmit mouse activity through the cable (5) whenever there is a change in the mouse. A change of state is defined as any motion of the mouse or any change in the position of either of its buttons (see column 3, lines 8-21)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the signals from the computer cursor positioning device to be packetized and transmitted to a host computer similar to that which is taught by Hall, in a system similar to that which is taught by Schultheiss in order to control the functions of the multimedia device at a faster rate.

With reference to **claim 37** Schultheiss and the admitted prior art teach all that is required as explained above with reference to **claim 34**, however fail to specifically teach that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim. However, it is well known in the art that such protocol is performed when transferring signals.

Hall teaches data transmission from a mouse to a host computer (see abstract) so as to transmit mouse activity through the cable (5) whenever there is a change in the mouse. A change of state is defined as any motion of the mouse or any change in the position of either of its buttons (see column 3, lines 8-21)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the signals from the computer cursor positioning device to be packetized and transmitted to a host computer similar to that which is taught by Hall, in a system similar to that which is taught by Schultheiss and the admitted prior art in order to control the functions of the multimedia device at a faster rate.

4. ***Claims 27-31, 38, and 40*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss in view of admitted prior art as applied to **claims 23 and 34** above, and further in view of Schindler et al. (U.S. Patent No. 5,900,867).

With reference to **claims 27 and 38**, Schultheiss and the admitted prior art fail to teach the usage of a serial port on the computer however the usage of a port is well known in the art as a type of connection.

Schindler et al. teaches an entertainment system using a personal computer as the heart of the system wherein the personal computer contains suitable receiving circuitry, which provides indications of the keys being pressed, being a serial connection or other form of connection (see column 5, lines 34-41).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the computer device as taught by Schultheiss and the

admitted prior art to include a serial port as suggested by Schindler et al. in order to provide a source for receiving the signals from the multimedia control and the cursor control in order for the signals to be processed for carrying out the appropriate function of the multimedia device (see column 5, lines 34-41).

With reference to **claim 28**, Schultheiss teaches the usage of keys (62) for providing a broad range of conventional television remote control commands (see column 5, lines 54-55). As well known in the art, volume control is well known conventional television remote control commands.

Schultheiss however fails to specifically teach that the multimedia control device comprises a slider or wheel corresponding to a volume control.

Schindler et al. teaches the usage of channel control buttons (916) and volume control (918), as well as thumbwheel (934). It is taught that thumbwheel (934) is used to adjusting the power of the RF signal (see column 14, lines 33-37).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the thumbwheel of Schindler et al. to have the ability to be used as a volume control for the multimedia device, wherein both Schultheiss and Schindler et al. teach the usage of a volume control button. It would be obvious to allow for such modification because it is well known to those skilled in the art interchangeably using switches, buttons, sliders, wheels, trackball, ect. as input devices. This would allow for arrangement, which may be more comfortable for the user to manipulate.

With reference to **claim 29-31**, Schultheiss teaches that the multimedia control device comprises multiple devices for controlling functions of tuning and other television functions (see column 6, lines 63-68), wherein the functions are any of a broad range of conventional television remote control commands (see column 5, lines 54-55), which would be obvious to include next/previous channel and preset stations.

Schultheiss fails to specifically teach that the multimedia control device comprises multiple devices for controlling functions of a CD-ROM device or speaker, wherein one or more such functions are selected from a group of conventions functions. With further reference to claim 39, Schultheiss fails to specifically teach that the multimedia device is integrated with the computer. However, it is well known in the art that a CD-ROM device is included in the computer. It would thereby make it obvious for the computer of Schultheiss to include a CD-ROM device, which would be considered as an additional device in the multimedia system.

Schindler et al. teaches that one of the multimedia devices consist of a CD jukebox (168) and stereo-surround sound system (158) for audio output to one or more speakers (160).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the CD and speaker devices of Schindler et al. to have the ability to have conventional control functions, which are well known to those skilled in the art, and as suggest by Schultheiss in order to provide the user with a more accessible manner for controlling the functions of a plurality of different device from one control device.

With reference to **claim 40**, Schultheiss and the admitted prior teach all that is required as explained above with reference to **claim 34**, however fails to teach the usage of a amplifier coupled to at least on of a speaker, radio tuner, television tuner, or an optical display player.

Schindler et al. teaches the usage of amplified speakers (1624) (see column 21, lines 7-9).

Therefore it would have been obvious to allow the usage of an amplifier to be used with the speakers, similar to that which is taught by Schindler et al. in a system similar to that which is taught by Schultheiss and the admitted prior art in order to improve the sound be emitted from the speakers when playing audio on the system.

Response to Arguments

5. Applicant's arguments filed 06/02/04 have been fully considered but they are not persuasive.

With reference to **claims 23-35, 32, 34-36, and 40-41** the applicant argues that Schultheiss fails to teach a control device, which provides immediate accessibility to the multimedia device of a computer to thereby directly control functions of the multimedia device being incorporated within the computer. Schultheiss does teach providing immediate accessibility to the multimedia device as well as directly controlling functions of the multimedia device. Schultheiss does teach a computer incorporating a CD-ROM device, however as explained above that CD-ROM device is used as a memory device. However, as stated by the applicant in the background of the invention, it is well known

for computers to include CD-ROM devices or video device. Therefore, it would be obvious to allow the computer of Schultheiss, which has the ability to receive a CD-ROM device, to receive a CD-ROM device that has the ability to be controlled by the mouse device as described. Further the applicant argues that Schultheiss fails to teach direct control and immediate accessibility, and further argues the examiners position that the reference does teach the limitations. The mouse device is used to control the multimedia device through direct control and immediate access. The user activates a key/button on the mouse, which in turn controls the multimedia device. The claims do not state to what extent the mouse directly control the multimedia device or that the mouse controls the multimedia device in a single step as opposed to multiple steps. Therefore if the mouse is causing a menu to be displayed, the mouse is causing the menu of the multimedia device to be displayed, which thereby is direct control to the multimedia device and immediate access of the multimedia device.

With further reference to **claims 26, 33, 37, and 42** the applicant argues that it would not be obvious to allow the usage of packetized transmission in a system taught by Schultheiss because of the type of transmission used. However, it is well known the usage of multiple types of transmission, and it is obvious to use one as opposed to another whether it be, wired or wireless, IR or UV or RF, packetized transmission or non packetized transmission. If the controlled data is packetized, it does not matter what type of transmission is used to transmit the data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703) 305-0143. The examiner can normally be reached on Monday-Friday 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adn/ADN
June 10, 2004

CHANH NGUYEN
PRIMARY EXAMINER